

January 18, 2018

Mr. Henry Leskinen
Eco-Science Professionals, Inc.
P O Box 5006
Glen Arm, Maryland 21057

Re: Campbell Boulevard Extended
Forest Conservation Variance
Tracking # 06-18-2643

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on January 9, 2018. This request proposes to remove three specimen trees on site for the construction of Campbell Boulevard between Bird River Road and the Campbell Boulevard stub at The Preserve at Windlass Run. There are forests and wetlands on the property, and all of the specimen trees are within the forest.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The removal of three specimen trees is for the construction of a public road connection that has been planned for many years. It will link Bird River Road with the end of Campbell Boulevard in the Preserve at Windlass Run. The specimen trees are very close to the end of the existing Campbell Boulevard and any connection is likely to affect these three trees. Therefore, we find that this criterion has been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The site contains three specimen trees close to Windlass Run within the existing forest. It is not possible to connect Campbell Boulevard without crossing Windlass Run and impacting that forest. The three specimen trees are located such that the road cannot be realigned to avoid them and minimize other forest clearing. The road alignment is the basis for the variance request and therefore the circumstances here are unique and not related to the conditions of the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The road connection is intended to improve traffic in a growing community. Much of the nearby area has had significant development, both residential and commercial. The proposal to remove three specimen trees as part of the proposed road connection will not change the character of the neighborhood. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. The new construction will meet all sediment and erosion control requirements during construction. Stormwater management facilities will be constructed along with the road to provide water quality for road runoff. Therefore, we find that granting of the special variance will not adversely affect water quality, and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not removed the specimen trees. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. The road alignment has been determined by a complex evaluation of many factors and negotiations with landowners, State, and Federal agencies. Any change to the alignment would likely increase overall forest clearing on site, and the specimen trees are not of significant size or uniqueness to warrant an alternative alignment. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the variance request is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code contingent with the following condition:

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Add the following note to all plans for this project: "A Forest Conservation Special Variance was approved by the Baltimore County Department of Environmental Protection and Sustainability to allow the removal of three specimen trees."

It is the intent of this Department to approve this variance subject to the above condition. Any changes to site layout may require submittal of revised plans and an amended variance request.

If you have any questions regarding this correspondence, please call Ms. Regina Esslinger at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL/rae